

**SUPREME COURT MINUTES
TUESDAY, JANUARY 4, 2005
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 4, 2005, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

- S120332 HLC Properties, Ltd, et al., Petitioners
 v.
 Los Angeles County Superior Court, Respondent
 MCA Records, Inc. et al., Real Parties in Interest
 Cause called. Steven A. Marenberg argued for Real Party in
 Interest.
 Mark A. Brodka opened argument for Petitioner.
 Howard B. Miller continued argument for Petitioner.
 Mr. Marenberg replied.
 Cause submitted.
- S119129 The People, Plaintiff and Respondent
 v.
 Gregory Guzman, Defendant and Appellant
 Cause called. Jill M. Thayer, Office of the Attorney General,
 argued for Respondent.
 Seth Flagsberg, Office of the Public Defender, argued for
 Appellant.
 Ms. Thayer replied.
 Cause submitted.

S119248 City of Burbank, et al., Plaintiffs and Appellants

v.

State Water Resources Control Board, et al., Defendants and Appellants

Cause called. Melissa A. Thorne argued for Plaintiffs and Appellants.

Gregory J. Newmark, Office of the Attorney General, opened argument for Defendants and Appellants.

David S. Beckman continued argument for Defendants and Appellants.

Ms. Thorne replied.

Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the Court and Officers present as first shown.

S110301 Richard Donaldson, Plaintiff and Respondent

v.

National Marine, Inc., Defendant and Appellant

Cause called. Phillip R. Bonotto argued for Appellant.

Daniel U. Smith argued for Respondent.

Mr. Bonotto replied.

Cause submitted.

S026223 The People, Respondent

v.

Gregory Scott Smith, Appellant

Cause called. William Hassler, Office of the Public Defender, argued for Appellant.

Susan Sullivan Pithey, Office of the Attorney General, argued for Respondent.

Mr. Hassler replied.

Cause submitted.

S028970 The People, Respondent

v.

Richard Stitely, Appellant

Cause called. JoAnee Keller opened argument for Appellant.

Joel Levine continued argument for Appellant.

Peggie Tarwater, Office of the Attorney General, argued for
Respondent.

Mr. Levine replied.

Cause submitted.

Court recessed until 9:00 a.m., Wednesday, January 5, 2005.

S130240
C048382 Third Appellate District

WADE v. S.C. (PEOPLE)
Petition for review and application for stay denied

S034473

PEOPLE v. MONTERROSO (CHRISTIAN)
Time extended to consider modification or rehearing
to March 11, 2005

S044677

PEOPLE v. HORNING (DANNY RAY)
Time extended to consider modification or rehearing
to March 16, 2005

S065573

PEOPLE v. BECERRA (FRANK K.)
Extension of time granted
to March 4, 2005 to file appellant's opening brief. After that date, only four further extensions totaling about 240 additional days will be granted. Extension is granted based upon Deputy State Public Defender Alison Bernstein's representation that she anticipates filing that brief by November 2005.

S070250

PEOPLE v. JOHNSON (MICHAEL)
Extension of time granted
to February 24, 2005 to file appellant's opening brief. After that date, only four further extensions totaling about 240 additional days will be granted. Extension is granted based upon counsel Anthony J. Dain's representation that he anticipates filing that brief by October 27, 2005.

S074624

PEOPLE v. MARTINEZ (TOMMY JESSE)
Extension of time granted
to March 4, 2005 to file appellant's opening brief. After that date, only one extension totaling about 30 additional days will be

granted. Extension is granted based upon counsel Christopher John's representation that he anticipates filing that brief by March 31, 2005.

S116870
C039428 Third Appellate District

DEPT. OF CONSERVATION (PEOPLE EX REL.) v.
EL DORADO COUNTY
Extension of time granted

Appellant's time to serve and file the response to amicus curiae brief and request for judicial notice of California Bldg. Industry Assoc. is extended to and including January 11, 2005.

S121187

WILLIAMS (DAVID EARL) ON H.C.
Extension of time granted

to January 7, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extensions totaling about 45 additional days will be granted. Extension is granted based upon Michael R. Belter's representation that he anticipates filing that brief by 02/18/05.

S123951
C042504 Third Appellate District

WELLS v. ONE2ONE LEARNING FOUNDATION
Extension of time granted

Respondent (Charter Sch. Resource Alliance) time to serve and file the reply brief is extended to and including February 7, 2005. No further extensions of time are contemplated.

S126781

MOON (RICHARD) ON H.C.
Extension of time granted

- (1) Due to clerical error, the December 3, 2004 order is amended to read as follows:
“Good cause appearing, and based upon Deputy Attorney General Jason C. Tran's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by 3/1/2005, request for an

extension of time in which to file that document is granted to January 3, 2005. After that date, only two further extensions totaling about 60 additional days will be granted.

- (2) to February 2, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extensions totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Jason C. Tran's representation that he anticipates filing that document by March 1, 2005.

S128931
H026137 Sixth Appellate District

PEOPLE v. BARNES
Counsel appointment order filed

Cindy Diamond is hereby appointed to represent appellant on his appeal now pending in this court.

S129050
B165489 Second Appellate District,
Division Four

PEOPLE v. VAUGHN
Counsel appointment order filed

Mark Greenberg is hereby appointed to represent appellant on his appeal now pending in this court.

S116081
A100194 First Appellate District,
Division Five

SIERRA CLUB v. COASTAL COMMISSION
Request for judicial notice granted

Appellant's second request for judicial notice filed December 23, 2003, is granted.